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In re Application of:	:	
PESHKIN, <i>et al.</i>	:	
Application No. 09/307,357 ✓	:	DECISION ON PETITION
Filed: May, 07, 1999	:	TO WITHDRAW HOLDING
Attorney Docket No.: 98.609	:	OF ABANDONMENT

This is a decision on the petition filed September 10, 2001, to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The application was held abandoned for failure to respond to the Office action mailed on December 12, 2000. A Notice of Abandonment was mailed on June 20, 2001.

Petitioner asserts that a response including a petition for extension of time of three months with the required fee and a response to the Office action of December 12, 2000, was mailed in the above-identified application on June 12, 2001. To support this assertion, petitioner has provided, *inter alia*, a copy of the response and a copy of a return postcard that properly identifies and acknowledges receipt of each of the above items by the United States Patent and Trademark Office (PTO) on June 14, 2001.

A review of the application file record reveals that the above-identified response was not associated with the application file at the time the Notice of Abandonment was mailed but has since been matched therewith. The response of record bears a Certificate of Mailing under 37 CFR 1.8(a) showing a date of deposit with the United States Postal Service on June 12, 2001. Accordingly, the response is considered timely.

For the above-stated reasons, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for appropriate action, including

Decision on Petition to Withdraw Holding of Abandonment

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consideration of the response received by the Office on June 14, 2001.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



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